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OFFICE OF PETITIONS

In re Application of	:	
De, et al.	:	
Application No. 10/079,334	:	ON PETITION
Filed: February 20, 2002	:	
Attorney Docket No. I-2-188.2US	:	

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 5, 2008.

The petition under 37 CFR 1.181 is **GRANTED**.

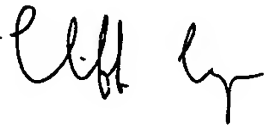
The above-identified application became abandoned for failure to timely file a reply in response to the Notice of Allowance mailed August 27, 2007. This Office action set a statutory period for reply of three (3) months. No issue fee having been received, the application became abandoned on November 28, 2007. A Notice of Abandonment was mailed on January 2, 2008. Applicants filed a petition to withdraw the holding of abandonment on January 28, 2008. However, the petition was dismissed in a decision mailed on February 19, 2008.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.¹ A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."² "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."³

Here, petitioner has submitted a copy of a master docket report showing all of his replies docketed for a due date of November 27, 2007. An entry for the instant application is absent, supporting the contention that the Notice of Allowance was not received.

The application is being forwarded to Group Art Unit 2611 for re-mailing of the August 27, 2007 Notice of Allowance and Notice of Allowability, setting a new three month period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c)(II).

² MPEP 711.03(c)(II) (emphasis added).

³ Id.